



INTERIOR BOARD OF INDIAN APPEALS

Estate of Stephen (Steven) Lee White Crane

28 IBIA 223 (10/18/1995)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ESTATE OF STEPHEN (STEVEN)
LEE WHITE CRANE

: Order Docketing Appeal and
: Affirming Decision
:
: Docket No. IBIA 96-1
:
: October 18, 1995

On October 12, 1995, the Board of Indian Appeals received a notice of appeal from Mary Carol Jenkins (appellant), seeking review of an August 17, 1995, order issued by Administrative Law Judge Richard L. Reeh. Judge Reeh's order docketed and dismissed a petition for rehearing in the estate of Stephen (Steven) Lee White Crane (decedent), IP AL 293 L 93-1.

Judge Reeh dismissed appellant's petition for rehearing as untimely. He also found that appellant lacked standing under Estate of Ethel Wood Ring Janis, 15 IBIA 216 (1987), because she was not decedent's heir.

43 CFR 4.241(a) provides that a petition for rehearing must be filed with the Superintendent "within 60 days after the date on which notice of the decision was mailed to the interested parties." Judge Reeh's order determining heirs was issued and mailed on March 21, 1995. It stated: "THIS DECISION IS FINAL for the Department unless a Petition for Rehearing is filed, pursuant to 43 CFR § 4.241 with the Superintendent within sixty (60) days from the date hereof."

Appellant's petition for rehearing was dated May 25, 1995, and was received at the Uintah and Ouray Agency, Bureau of Indian Affairs, on May 31, 1995. It is apparent that the petition was untimely under 43 CFR 4.241.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is docketed, and Judge Reeh's August 17, 1995, order is affirmed.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge